

TENAKEE SPRINGS MUNICIPAL CODE

TITLE 16

HEALTH, PUBLIC SAFETY, AND FIREARMS

Chapters:

- 16.01 **LITTER CONTROL**
- 16.02 **DEPARTMENT OF HEALTH SERVICES**
- 16.03 **HEALTH COUNCIL**
- 16.04 **PUBLIC SAFETY**
- 16.05 **FIREARMS**

CHAPTER 16.01

LITTER CONTROL

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| <u>Sections:</u> | 16.01.010 | UNLAWFUL ACT |
| | 16.01.020 | PENALTIES |
| | 16.01.030 | DEFINITIONS |

16.01.010 Unlawful Acts.

It is unlawful for any person to do any of the following:

1. Cause or allow litter to be collect, deposited, or to remain in any place under his/her control.
2. Throw or deposit litter in or upon any right-of-way or other public place except in public receptacles or containers, in authorized private receptacles or containers for collection, or in disposal areas designated by the municipality.
3. Sweep into, or deposit in, any right-of-way or other public place the accumulation of litter from any residence, building, or lot. Persons owning or occupying property shall keep the unimproved portion of the right-of-way in front of their premises free of litter.
4. Drive or move any vehicle which is carelessly loaded, or not constructed to prevent its load, or litter on it, from falling upon any right-of-way or public place.
5. Throw or deposit litter on any private property, whether owned by the person or not.
6. Keep, maintain, or deposit an abandoned or junked vehicle on public property.
 - a. A vehicle shall be deemed abandoned or junked under the following circumstances:
 - i. if the vehicle has obvious physical deterioration, such as broken or smashed windows, wheels and tires missing, portions of the body

- dented or rusted out to a large degree, and any other physical evidence showing neglect; or
 - ii. if the vehicle lacks current vehicle registration and license, unless neatly stored and covered with a tarp or other method to clearly show the intent for storage for future use.
 - b. A junked or abandoned vehicle deposited in any place in violation of this subsection is considered to have been so deposited by the last registered owner of the vehicle unless the last registered owner has filed a transfer or assignment in accordance with AS 28.10.271, in which case proof of the filing of the notice shall constitute prima facie evidence that the transferee named in the notice was the person who deposited the junked or abandoned vehicle in violation of this section. Notwithstanding the previous sentence, a bill of sale or other evidence could also show transfer of ownership from the last registered owner for purposes of this subsection.

16.01.020 Penalties.

Violation of any provision of this chapter is a civil violation for which a notice may be issued under the provisions set forth in Chapter 01.05 and subject to a civil penalty in the amount set forth in Section 01.05.030, not to exceed five hundred dollars (\$500.00).

16.01.030 Definitions.

For the purpose of this chapter, the following terms, phrases, words, and their derivations should have the meaning given in this section:

1. “Litter” means garbage, refuse, and rubbish as defined in this chapter and all waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.
2. “Garbage” means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
3. “Refuse” means all putrescible and non-putrescible solid wastes (except human body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, solid market and industrial wastes, and used motor oils or fuel.
4. “Rubbish” means non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin and aluminum cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.
5. “Vehicle” means boats, boat trailers, trailers, and any form of motor vehicle described in Section 13.01.020 (2).

CHAPTER 16.02
DEPARTMENT OF HEALTH SERVICES

Sections:	16.02.010	DEPARTMENT OF HEALTH SERVICES ESTABLISHED
	16.02.020	DIRECTOR

16.02.010 Department of Health Services Established.

The Department of Health Services is hereby established.

16.02.020 Director.

The Health Council shall recommend that the president of the Health Council be appointed as director of health services.

1. The director of health services shall be appointed by the mayor with confirmation by the City Council.
2. The director of health services will provide oversight for the Genevieve Soboleff Health Clinic facility and its operation.
3. The director of health services, with the approval of the Health Council, will submit to the mayor by April 15th of each year an annual budget for the Department of Health Services.

CHAPTER 16.03
HEALTH COUNCIL

Sections:	16.03.010	ESTABLISHMENT OF HEALTH COUNCIL
	16.03.020	PURPOSE AND OBJECTIVES
	16.03.030	MEMBERSHIP
	16.03.040	APPOINTMENT OF MEMBERS
	16.03.050	TERMS OF OFFICE
	16.03.060	OFFICIALS
	16.03.070	VACANCIES
	16.03.080	RESPONSIBILITY
	16.03.090	QUORUM
	16.03.100	MEETINGS
	16.03.110	NOTICE OF MEETINGS AND RECORD OF MEETINGS
	16.03.120	RULES OF PROCEEDINGS
	16.03.130	ORDER OF BUSINESS
	16.03.140	ADVISORS

16.03.010 Establishment of Health Council.

There is hereby established a Health Council for the city of Tenakee Springs.

16.03.020 Purpose and Objectives.

The Health Council shall work to:

1. Improve the quality of health care offered to the residents of the city of Tenakee Springs.
2. Coordinate health care programs to prevent unnecessary duplication.
3. Involve the community in health care planning.
4. Educate the community in all phases of health care.
5. Be an effective liaison between agencies providing health services, the City Council, and the residents of the community.
6. Approve the annual budget to be submitted by the director of health services to the City Council.
7. Assist the director of health services to provide oversight of the Genevieve Soboleff Health Clinic facility.

16.03.030 Membership.

- A. The voting members of the Health Council shall be five (5) members who are residents of the city.
- B. The community health aide shall serve as a technical advisor to the Health Council without any voting privileges.

16.03.040 Appointment of Members.

The mayor shall appoint the committee, to be confirmed by the City Council.

16.03.050 Terms of Office.

The term of office shall be three (3) years.

16.03.060 Officials.

Each year the committee shall elect a president, a vice-president to preside in the president's absence, and a secretary to record proceedings and keep financial records.

16.03.070 Vacancies.

- A. A vacancy shall be declared and filled by appointment when the committee member:
 1. Submits his resignation.
 2. Departs from the city with the intent to remain away for a period of ninety (90) days or more.
 3. Is physically unable to attend committee meetings for a period of ninety (90) days or more.
 4. Misses three (3) or more consecutive regular meetings, unless excused by the

committee.

B. When a vacancy occurs, the mayor shall appoint a new member to the committee for the unexpired portion of the term vacated.

16.03.080 Responsibility.

The Health Council shall be directly responsible to the City Council. Minutes from all meetings shall be submitted to the City Council.

16.03.090 Quorum.

A majority of voting membership constitutes a quorum. Any act of the committee requires a majority affirmative vote of those voting members present. No person may represent an absent committee member, and no proxy votes will be allowed.

16.03.100 Meetings.

Regular meetings shall be held bimonthly. Special meetings may be called at the request of the president or any two members. All meetings shall be open to the public.

16.03.110 Notice of Meetings and Record of Meetings.

Public notice of the meeting time and place shall be posted at least twenty-four (24) hours before the meeting. An accurate record of the proceedings shall be kept on file in the city office, and be retained as public record.

16.03.120 Rules of Proceedings.

Meetings shall be conducted under *Robert's Rules of Order*.

16.03.130 Order of Business.

A. The order of business at regular meetings shall be:

1. Call to order/roll call
2. Approval of minutes from previous meetings
3. Correspondence
4. Old business
5. New business
6. Public comments
7. Committee comments
8. Adjournment

B. Agenda items may be added as deemed necessary by the committee president.

16.03.140 Advisors.

Other health-related organizations within the city, such as emergency medical services, fire chief, VPSO, community health aid, and Southeast Regional Health Consortium (SEARHC) local representative, shall act as advisors to the Health Council.

CHAPTER 16.04

PUBLIC SAFETY

Sections:	16.04.200	DEPARTMENT ESTABLISHMENT AND AUTHORITY
	16.04.210	PURPOSE OF DEPARTMENT
	16.04.220	OFFICERS OF THE DEPARTMENT
	16.04.230	THE DIRECTOR OF PUBLIC SAFETY
	16.04.235	DUTIES OF FIRE CHIEF
	16.04.240	TENAKEE SPRINGS VOLUNTEER FIRE DEPARTMENT STRUCTURE
	16.04.250	(RESERVED)
	16.04.260	(RESERVED)
	16.04.270	PUBLIC SAFETY POLICIES AND REGULATIONS
	16.04.280	PUBLIC SAFETY FACILITIES
	16.04.290	PUBLIC SAFETY EQUIPMENT
	16.04.300	DISASTER EMERGENCY RESPONSE PLAN
	16.04.310	NO GOVERNMENT OR PRIVATE LIABILITY
	16.04.320	EMERGENCY OPERATIONS GUIDE

16.04.200 Department Establishment and Authority.

- A. There is hereby established in municipal government a Department of Public Safety.
- B. The self-governing organization of the Tenakee Springs Volunteer Fire Department is hereby authorized to operate in and provide services in the municipality in accordance with 13 AAC 52.030.
 - 1. This authority required the volunteer fire department to adopt bylaws and policies and provide copies to the city clerk. The organization will report, at least quarterly, on its services, activities, and proceedings to the principal officer of the Department of Public Safety.
 - 2. The volunteer fire department may also provide emergency medical services and search and rescue services.

16.04.210 Purpose of Department.

- A. The purpose of the Department of Public Safety is to provide for programs of fire prevention and protection, emergency medical services, and search and rescue.
- B. The department may provide financial and operating assistance to the Tenakee Springs Volunteer Fire Department.

16.04.220 Officers of the Department.

- A. Director of Public Safety.

1. The director of the Department of Public Safety shall be appointed and supervised by the mayor with the approval of the Tenakee Springs City Council. The mayor may, at his or her discretion, assume the role of director of public safety, designate this role to the fire chief, or appoint another individual as the director of public safety.
- B. Fire Chief.
1. There shall be a fire chief who shall serve under the direction of the director of public safety.
 2. When there is a vacancy, the director of public safety shall request a recommendation for fire chief from the Tenakee Springs Volunteer Fire Department, according to their by-laws, and the mayor shall then make the appointment with confirmation of the City Council

16.04.230 The Director of Public Safety.

- A. Shall be responsible for the administration and operation of the Department of Public Safety, and shall be responsible for the administration of the volunteer fire department in accordance with 13 AAC 52.030.
- B. Shall attend City Council meetings when requested by the mayor, submit a report monthly on the status of the Department of Public Safety to the City Council, and submit a yearly budget.
- C. Shall act as a liaison between the independent Tenakee Springs Volunteer Fire Department and the mayor and/or City Council.
- D. In conjunction with the fire chief, shall provide a maintenance schedule and log books for city equipment and shall provide policies and regulations for the use of city equipment to be approved by the City Council.
- E. Shall be responsible for implementing the approved “Disaster Emergency Response Plan,” and shall be a liaison with the Alaska Division of Emergency Services.

16.04.235 Duties of the Fire Chief.

- A. The fire chief, in conjunction with the Fire Board, shall be responsible for the administration and operation of the volunteer fire department in accordance with 13 AAC 52.030.
- B. The fire chief shall provide training and educational opportunities for the department and volunteer fire department members.
- C. The fire chief shall schedule drills, siren tests, and provide community awareness and education.
- D. The fire chief, in conjunction with the director of public safety, shall provide a maintenance schedule for department equipment and the rescue boat, and report maintenance that is performed.
- E. The fire chief shall schedule and preside at volunteer fire department meetings.
- F. The fire chief shall recommend equipment repairs and/or replacements to the director of

public safety.

G. The fire chief shall make recommendations on public safety policies and regulations, and forward suggested recommendation from the Fire Board.

H. The fire chief shall submit monthly reports to the director of public safety.

I. The fire chief shall determine whether it is safe to burn within the city limits. This may be due to circumstances such as no appreciable rainfall in some time or drought. The burn ban notice shall be posted at the fire hall, the bus stop, the bathhouse, and the city office. Notice shall also be posted at the termination of the burn ban.

16.04.240 Tenakee Springs Volunteer Fire Department Structure.

A. Board of Directors. The Tenakee Springs Volunteer Fire Department (TSVFD) shall be governed by a board of directors.

1. The board shall have five (5) members. The board shall be elected and replaced as set forth in the by-laws of the TSVFD. The board will be responsible for the business and financial administration of the TSVFD.
2. The board will appoint an incident commander, and may appoint an assistant incident commander, on the recommendation of the general membership.
3. The board identifies teams and their duties in an emergency response.

B. The incident commander shall be in overall command of an emergency response.

1. The incident commander will organize the members into teams.
2. The incident commander will provide for the instruction and training of the various teams.
3. The incident commander will appoint, with input from the team members, a team leader.

16.04.250 (Reserved).

16.04.260 (Reserved).

16.04.270 Public Safety Policies and Regulations.

A. Policies and regulations of the Department of Public Safety, including protocols for the use of city-owned equipment, are to be approved by the City Council through adoption of a resolution, and will become a part of the *Tenakee Springs Regulations, Policies, and Fees*.

B. The policies and regulations shall be serially numbered and dated and be in the format compatible with the *Tenakee Springs Regulations, Policies, and Fees*.

16.04.280 Public Safety Facilities.

A. Public safety facilities shall be maintained and operated by the City of Tenakee Springs.

B. The public safety facilities shall be available for use by the Tenakee Springs Volunteer Fire Department.

16.04.290 Public Safety Equipment.

- A. The Tenakee Springs Volunteer Fire Department (TSVFD) shall provide an annual inventory of the public safety equipment, including notes on the condition of each piece of equipment, to the City of Tenakee Springs.
- B. The TSVFD shall also provide a similar list of the equipment owned by the volunteer fire department and forward this to the City of Tenakee Springs.
- C. Equipment of the Department of Public Safety no longer needed by the department shall be surplus by City Council resolution and disposed of by competitive sealed bid.
- D. Funds from the sale of surplus equipment will be kept in a special fund for the volunteer fire department to use to purchases necessary equipment.

16.04.300 Disaster Emergency Response Plan.

- A. There shall be a “Disaster Emergency Response Plan,” developed jointly with the Alaska Division of Emergency Services, which shall be adopted by ordinance and may be amended with notification to the Alaska Division of Emergency Services.
- B. It shall be the duty of the TSVFD to appoint such personnel needed and to arrange supplies to implement the plan.

16.04.310 No Government or Private Liability.

- A. No authorized emergency response personnel, while in proper performance of his/her required duties, shall be held liable for any damage sustained to person or property as a result of emergency response activity, except and unless gross negligence or willful misconduct is proven.
- B. No person owning or controlling real property, who allows the use of that property for disaster response activities, shall be held liable for death or injury resulting from that use, except and unless gross negligence or willful misconduct is proven.

16.04.320 Emergency Operations Guide.

- A. The municipality “Disaster Emergency Response Plan” is established in the “Tenakee Springs Emergency Operation Guide” as developed by the Northern Southeast Local Emergency Planning Committee (NSLEPC) with assistance from local members of the NSLEPC and the Alaska Division of Emergency Services.
- B. The “Tenakee Springs Emergency Operations Guide” shall be a distinct and additional volume of the *Tenakee Springs Regulations, Policies, and Fees*.
- C. The “Tenakee Springs Emergency Operations Guide” shall be reviewed by the City Council every five (5) years and amendments thereto shall be by resolution.
- D. Copies of the “Tenakee Springs Emergency Operations Guide,” and its amendments, shall be provided to the NSLEPC and the Alaska Division of Emergency Services.

CHAPTER 16.05

FIREARMS

Sections:	16.05.010	FIREARMS DISCHARGE PROHIBITED IN CERTAIN LOCATIONS
	16.05.020	PENALTIES

16.05.010 Firearms Discharge Prohibited in Certain Locations.

The discharge of firearms on, from, to, or across docks, floats, grids, and breakwaters is prohibited, except in the defense of life or property.

16.05.020 Penalties.

Violation of any provision of this chapter is a civil violation for which a notice may be issued under the provisions set forth in Chapter 01.05 and subject to a civil penalty in the amount set forth in Section 01.05.030, not to exceed five hundred dollars (\$500.00).